

CHAPTER: XIX APPEALS & HEARINGS	SECTION: 5 INTENTIONAL PROGRAM VIOLATIONS	COMAR: 07.03.03.17
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REQUIREMENTS

- A. Inform all customers, in writing, of disqualification penalties for intentional program violations using **DHR/FIA 9707 Rights and Responsibilities form**.
- B. An intentional program violation (IPV) occurs when an individual:
 1. Makes a false or misleading statement
 2. Misrepresents, conceals, or withhold facts, or
 3. Commits any act to misrepresent, conceal, or withhold facts for the purpose of establishing or maintaining eligibility for cash assistance
- C. The case manager takes the following actions on an alleged complaint of an IPV:
 1. Verifies the information by telephone or letter
 2. Makes a determination whether an investigation is needed
 3. Refers the information to:
 - The local fraud investigator, or
 - The Office of the Inspector General (OIG), or
 - The State's Attorney Office (SAO)
 - a. If the SAO does not accept an IPV referral, the local department may begin seeking civil action through an Administrative Disqualification Hearing (ADH)
 - b. ADH referrals can be made regardless of the persons current eligibility
- D. The local department, prior to notifying the individual of their intent to make a referral to the Office of Administrative Hearings (OAH) or the SAO, ensures that someone other than the case manager reviews the evidence against the individual and the evidence warrants scheduling an ADH

Note: If the case manager has sufficient documentation to substantiate the IPV, a referral for an investigation by the OIG is not necessary. Information can be referred directly to the State Attorney's Office (SAO). The case manager can also obtain the ADH waiver from the applicant or customer.

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- E. Once it is substantiated that an IPV has occurred, the local department sends notification to the individual that includes:
1. A summary of the charge against the individual
 2. The evidence supporting the charge
 3. The name and telephone number of the contact person at the local department
 4. Information on the Administrative Disqualification Hearing (ADH) process
- F. An offer to waive the right to the hearing can be made to the individual with the understanding that:
1. They give up their right to a hearing which would determine if they committed an IPV
 - They can admit to the facts as presented, sign the waiver, and the penalty will be imposed, or
 - They can find fault with the facts presented, sign the waiver, and still have the penalty imposed
 2. The signed waiver, the **DHR/OIG 7 Waiver To The Right To An Administrative Hearing form**, must be returned to the local department within 20 days of the mailing of the notice

CUSTOMER PROCEDURES

- A. The individual has the right to appeal the decision made by the local department or OIG by:
1. Requesting a fair hearing
 2. Completing the **DHR/FIA 334 Appeal for Fair Hearings form**
- B. After attending the scheduled hearing, the individual can:
1. Accept the decision made by the OAH, or
 2. Appeal the OAH's decision to the circuit court

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PENALTIES

If an individual is found guilty by the court of committing an IPV on or after October 1, 1996, the entire household is ineligible for TCA for the following periods of time:

1. 6 months after the first finding of fraud
2. 12 months after the second finding of fraud
3. Permanently after the third finding of fraud
4. The length of 1 and 2 above can be shortened by fully repaying the fraudulently received TCA benefits.

Note: For an IPV that occurred prior to October 1, 1996, the ineligibility period applies to the individual only.

ADDITIONAL INFORMATION

- Intentional Program Violations
- Sanctions - Fraud and Fraudulent Misrepresentation